

REMARKS

In the Office Action mailed December 28, 2007, the Examiner noted that claims 1, 2, 4-10 and 12-16 were pending, and rejected claims 1, 2, 4-10 and 12-16. No claims have been amended, new claims 17 and 18 have been added and, thus, in view of the forgoing claims 1, 2, 4-10 and 12-18 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

Page 2 of the Office Action rejects claims 1, 2, 4-10 and 12-16 under 35 U.S.C. § 103 over Meyers, Cleary and Blumenau.

Meyer discusses a system in which device configuration information is captured when a diagnostic program is installed and upon request by customer service ("A method of customer service that uses a program which captures the computer's hardware and operating system configuration when the program is installed, and also captures the hardware and operating system configuration upon request (when the user needs customer service help), and compares the two, highlighting differences." - See Abstract). In Meyer, the hardware configuration is captured by a *diagnostics program*. This program gathers the data when installed, at the time of configuration changes and at start-up. On page 4 of the Action, the Examiner acknowledges that Meyer does not hardware device at BIOS execution.

The Examiner appears to look to Cleary for this and appears to point at several parts of Cleary. The Examiner notes that a *POST (power-on-self-text) program* determines current configuration and this program does so at initial microcode load when a boot is being performed from a boot device.

The Examiner also appears to look to Blumenau. Blumenau executes a *configuration comparison program* each time a reboot occurs. The Examiner asserts that Blumenau teaches acquiring configuration at OS run time and points to col. 10, lines 1-10. This text says nothing about determining configuration at OS time only at first and second points in time, which the second time according to the text later in col. 10 is a rebooting time.

First, it is submitted that the prior art does not teach or suggest, as in claim 1, "acquiring hardware configuration information of each device at a plurality of predetermined timing sets" where the timing sets include "timing at the time of executing BIOS of the computer **and** timing at the time of execution of OS after the time of executing the BIOS".

Second, it is submitted that the prior art does not teach acquiring the hardware

configuration at the two times using "a single computer program" as recited in claim 1. Rather, as noted above, the prior art uses at least three different programs.

Third, claim 1 calls for the acquiring at the two different timings to occur "each time the computer is switched on" the prior art also says nothing about this.

Claims 7, 9 15 and 16 also emphasize the above-discussed features.

It is submitted that the independent claims distinguish over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. It is submitted that the dependent claims are independently patentable over the prior art.

New dependent claim 17 emphasizes that device characteristic information is collected at the time of executing the BIOS and device operability information is collected at the time of executing the OS. Nothing in the prior art teaches or suggests such.

New independent claim 18 emphasizes that two different types of information (device "characteristic" information, such as wireless keyboard - see figure 4 and "operability" information, such as keyboard firmware version - see figure 6) are collected at the different times (BIOS execution and OS execution) by "the same program". Nothing in the prior art teaches or suggests such. It is submitted that this new claim, which is different and not narrower than prior filed claims, distinguishes over the prior art.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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